THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.22881 of 2006

17.11.2006

Between:

Kavali Gunnaiah, S/o.late K.Anjaiah

... Petitioner

AND

The Joint Collector, Ranga Reddy District
And others

... Respondents

THE HON'BLE SRI JUSTICE V.V.S. RAO

WRIT PETITION No.22881 of 2006

ORDER:

The petitioner herein statedly protected tenant of the land admeasuring Acs.129.35 guntas in survey Nos.93 and 103 to 111 situated at Malkaram village of Shamshabad Mandal in Ranga Reddy District. He alleges that in March 2005, one Bukkal Venugopal, General Power of Attorney (GPA) Holder of respondents 5 to 8 kidnapped him and his family members and obtained signatures on various papers under threat. These papers were used for creating false sale deeds in favour of respondents 11 to 18 and also in the proceedings to surrender tenancy before the second respondent in File No.B/1202/2005, dated 06.5.2005. Aggrieved by the order of the second respondent, the petitioner preferred appeal under Section 90 of A.P. (Telangana Area) Tenancy and Agricultural Lands Act, 1950, being F2/3786/2005, before the first respondent. The first respondent took the appeal on file and issued notice of enquiry on 06.9.2005 calling upon the petitioner to appear on 30.9.2005. The petitioner also filed application for stay of the proceedings of the second respondent dated 06.5.2005 and the same is pending. In the mean while, as alleged in paragraph 5 of the affidavit accompanying the writ petition, the matter was adjourned by the first respondent more than twenty times compelling the petitioner to approach this Court. In this writ petition, he seeks a writ of Mandamus directing first respondent to pass appropriate orders in the stay application and also dispose of the appeal expeditiously.

Learned Counsel for the petitioner submits that having regard to the facts of the case, the first respondent ought to have disposed of the stay application as well as the appeal immediately. Any delay would further escalate hardship being faced by the petitioner. Learned Assistant Government Pleader for Revenue (General-T), after obtaining instructions, submits that the matter posted today (17.11.2006) has been adjourned to 08.12.2006, as some of the parties have filed implead petitions.

The petitioner has filed appeal in August 2005 and it would certainly take sometime to first respondent to summon the records from the second respondent. Even allowing sometime for summoning the records, adjourning the matter so many times would certainly lead to further complications. Therefore, at least now the first respondent

should dispose of the appeal on 08.12.2006, without granting any further adjournment. Accordingly, at the admission stage, after hearing the learned Counsel for the petitioner and learned Assistant Government Pleader, and without expressing any opinion on the merits of the case, the writ petition is disposed of, directing the first respondent to complete the hearing and pass appropriate orders on 08.12.2006 giving reasons on various the issues raised by the petitioner.

The writ petition, with the above observations and directions, is accordingly disposed of. No costs.

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(**V.V.S.RAO, J**)

November 17, 2006

NOTE:

Issue order copy by

21.11.2006.

(By order)

YS